

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:13-00090-05

TERRY MULLINS

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On August 9, 2018, the United States of America appeared by Christopher R. Arthur, Assistant United States Attorney, and the defendant, Terry Mullins, appeared in person and by his counsel, Christian M. Capece, Federal Public Defender, for a hearing on the petition seeking revocation of supervised release submitted by United States Probation Officer Justin L. Gibson. The defendant commenced a 22-month term of supervised release in this action on April 23, 2018, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on September 26, 2017.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed methamphetamine as evidenced by positive urine specimens submitted by him on May 28 and June 4, 2018, the defendant having admitted to the probation officer on June 13, 2018, that he had used methamphetamine approximately two days prior to each screen; (2) the defendant failed to notify the probation officer within 72 hours of his contact with law enforcement when found with a small bag of suspected methamphetamine on July 31, 2018, as more fully set forth in Violation No. 2; (3) the defendant failed to attend substance abuse treatment sessions as instructed on May 17 and June 6, 20, 21 and 28, 2018; and (4) the defendant failed to abide by the special condition that he spend a period of six months in a residential facility inasmuch as he entered Dismas Charities on April 23, 2018, and was terminated on June 22, 2018, after testing positive on two occasions for methamphetamine; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

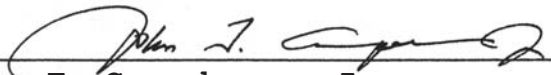
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of EIGHT (8) MONTHS.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant be designated to FCI Gilmer.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: August 10, 2018



John T. Copenhaver, Jr.
United States District Judge